

FILED '09 AUG 11 13:27 USDC-ORP

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROGER D. HALL,

Petitioner,

v.

ORDER

JEAN HILL,

Civil No. 07-144-PK

Respondent.

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HAGGERTY, District Judge:

Magistrate Judge Papak referred to this court a Findings and Recommendation [34] in this matter. The Magistrate Judge recommends that petitioner Roger D. Hall's Petition for Writ of Habeas Corpus [6] be denied and dismissed with prejudice. Petitioner filed timely objections. For the following reasons, this court adopts the Findings and Recommendation.

**STANDARDS**

When a party objects to any portion of a Findings and Recommendation, the district court must conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

## **DISCUSSION**

Petitioner brings this habeas corpus action pursuant to 22 U.S.C. § 2254. The Findings and Recommendation contains a factual summary outlining the history of this matter, and the facts will not be repeated here. The Findings and Recommendation found that petitioner failed to exhaust state remedies on all of his habeas claims and procedurally defaulted those claims. Findings and Recommendation at 5.

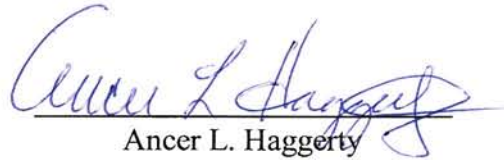
Petitioner objects to the Findings and Recommendation, arguing that the Oregon Supreme Court did not specify why it denied review of his claims brought pursuant to 42 U.S.C. § 1983. Pet'r Objections at 1. Petitioner also argues that his case should not be dismissed on a "technicality" and asserts that this "case was never a Habeas Corpus case" in state court. *Id.* Petitioner's objections are without merit, and underscore his petition's flaw: that he did not raise habeas arguments in state court. This court has conducted a *de novo* review of the entire record. This court's *de novo* review of the record supports adoption of the Findings and Recommendation in its entirety.

## **CONCLUSION**

For the foregoing reasons, the court adopts the Findings and Recommendation [34]. Petitioner Roger D. Hall's Petition for Writ of Habeas Corpus [6] is DENIED and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 11 day of August, 2009.

  
Ancer L. Haggerty  
United States District Judge